



NEW AMERICA
F O U N D A T I O N

August 12, 2011

Marlene Dortch
Secretary
Federal Communications Commission
445 Twelfth Street SW
Washington, DC 20554

Re: Notice of *Ex Parte* Presentation
IB Docket No. 11-109 (LightSquared Authority for ATC)
ET Docket No. 10-142 (Fixed and Mobile Services in MSS Bands)
WT Docket No. 10-4 (Signal Booster Rules to Improve Wireless Coverage)

On August 12, 2011, the undersigned met with FCC General Counsel Austin Schlick and discussed issues pertaining to the above-referenced proceedings.

With respect to the Commission's ongoing effort to resolve potential interference problems between the planned LightSquared MSS/ATC wholesale LTE network and neighboring GPS operations, I noted that New America filed comments on August 1 on the Technical Working Group (TWG) report, along with Public Knowledge, Free Press and Media Access Project. I noted that several commenters in that proceeding (IB Docket No. 11-109) were conflating the obligation of LightSquared to avoid causing harmful interference to GPS by complying with the Commission-imposed power and Out of Band Emission limits on ATC, with the obligation of incumbent users (including GPS) to use receivers that anticipate and protect against the unwanted reception of compliant transmissions by other licensees on their own frequencies. The harmful interference verified by the TWG's extensive testing results from the inability of GPS receivers to reject signals transmitted by LightSquared on its own frequency assignment at power levels compliant with the 2005 ATC order, a lack of effective filtering that can cause receiver overload (or desensitization).

Similarly, I noted that the Petitions for Reconsideration and/or Clarification filed by CTIA and the U.S. GPS Industry Council in ET Docket No. 10-142 are misconceived for the same reason. CTIA and the GPS Industry Council ask the Commission to reconsider and clarify its statement in the recent *MSS Order* that "responsibility for protecting services rests not only on new [MSS/ATC] entrants but also on incumbent users themselves, who must use receivers that reasonably discriminate against reception of

signals outside their allocated spectrum.”¹ I noted that this statement is both good policy and entirely consistent with the Commission’s 2005 *ATC Reconsideration Order* which, while imposing transmit power and OOB limits on LightSquared – limits agreed to explicitly by the GPS industry and NTIA² – also made a distinction between the obligation of the MSS/ATC licensee and the obligation of licensees on neighboring frequencies to make cost-benefit trade-offs in receiver design that anticipate higher-power ATC deployments in the future:

Generally, we do not regulate the susceptibility of receivers to interference from transmissions on nearby frequencies. Rather, we rely on the marketplace — manufacturers and service providers — to decide how much susceptibility to interference will be acceptable to consumers. In addition, ***we generally do not limit one party’s ability to use the spectrum based on another party’s choice regarding receiver susceptibility.***³

With respect to the Signal Booster proceeding referenced above, the undersigned noted that New America filed comments together with Public Knowledge on July 25. I conveyed our view that the licensing-by-rule approach proposed in the Commission’s NPRM, under section 307(e), is the most practical approach that would also ensure the greatest benefit for consumers by promoting competition and innovation in both the market for signal booster peripherals and among ISPs, since smaller, regional and rural carriers would be disadvantaged by a booster market controlled in any way by the dominant carrier duopoly. I noted that certain commenters, particularly CTIA and T-Mobile, are mistaken in their view that blanket licensing of boosters pursuant to Part 22, under the authority of each individual carrier’s own license, is either required or the best policy for this category of consumer devices. CTIA and certain carriers seek to turn Section 301’s requirement that transmitting devices be authorized by the Commission into a requirement that *all* devices must be authorized under their license and with their consent. To the contrary, the section 307(e) licensing-by-rule regime proposed in the NPRM clearly satisfies the statutory requirement that signal boosters be authorized.

While blanket licensing under Part 22 may have been the most practical and low-cost way to authorize subscriber handsets at the time it was promulgated, the compelling consumer benefits of carrier-agnostic boosters and the simplicity of licensing this category of equipment under section 307(e) makes it the preferred approach.

¹ *Fixed and Mobile Services in the Mobile Satellite Service Bands at 1525-1559 MHz and 1626.5-1660.5 MHz, 1610-1626.5 MHz and 2483.5-2500 MHz, and 2000-2020 MHz and 2180-2200 Mhz*, Report and Order, FCC 11-57, ET Docket No. 10-142 (2011).

² See U.S. GPS Council, Petition for Reconsideration, Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2GHz Band, the L-Band, and the 1.6/2.4 GHz Band, IB Docket No. 01-185 (filed Jun. 11, 2003) at 2-3 (“The proposed MSV/GPS Industry Council OOB limits elicited broad support from both the public and private sectors. The [NTIA] endorsed these OOB limits as ‘attainable by the MSS ATC and agreeable with the GPS community.’”).

³ *Flexibility for Delivery of Communications by Mobile Satellite Service Providers in the 2GHz Band, the L-Band, and the 1.6/2.4 GHz Band*, Memorandum Opinion and Order and Second Order on Reconsideration, IB Docket No. 01-185, FCC 05-30 (rel. Feb. 25, 2005), at ¶ 56 (“2005 ATC Reconsideration Order”)(emphasis added).

Finally, I noted that although Wilson Electronics, Inc. and Verizon Wireless filed a Joint Proposal to help resolve the technical device certification issues raised in the NPRM, in its separate filing Wilson noted that its “willingness to support the Joint Proposal was premised on the Commission’s adoption of the § 307(e) licensing-by-rule scheme proposed in the *NPRM*.” In our comments, New America and Public Knowledge concurred with Wilson’s view that subject to the Commission’s strict device certification rules aimed at avoiding harmful interference to carrier services, any consumer should be able to purchase and operate a compliant, carrier-agnostic signal booster unfettered by the incumbent licensee, particularly since the carrier’s only legitimate interest and right is to operate without undue risk of harmful interference.

Respectfully submitted,

/s/

Michael Calabrese
Director, Wireless Future Project
Open Technology Initiative
New America Foundation